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## BEFORE THE ARIZONA CORPORATION COMMISSION

JIM IRVIN  
COMMISSIONER - CHAIRMAN  
RENZ D. JENNINGS  
COMMISSIONER  
CARL J. KUNASEK  
COMMISSIONER

SEP 21 1998

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF )  
THIM UTILITY COMPANY - E & T DIVISION )  
FOR A PERMANENT RATE INCREASE, )  
FINANCING AND ADJUSTOR MECHANISMS. )

DOCKET NO. W-03293A-98-0189  
DOCKET NO. W-03293A-98-0260

DECISION NO. 61137

**ORDER**

Open Meeting  
September 15 and 16, 1998  
Phoenix, Arizona

**BY THE COMMISSION:**

On January 29, 1998, Thim Utility Company - E & T Division ("E & T" or "Applicant") submitted an application for a rate increase and financing to the Arizona Corporation Commission ("Commission"). E & T submitted an amended application on March 13, 1998. On April 13, 1998, the Commission's Utilities Division Staff ("Staff") determined that the application met the sufficiency requirements of A.A.C. R14-2-103, and the application was docketed. On June 26, 1998, Staff filed a Staff Report, recommending alternative financing and an alternative rate schedule be approved without a hearing.

**DISCUSSION**

E & T received a Certificate of Convenience and Necessity ("Certificate") to provide water utility service to the public in an area two miles south of the Tucson Municipal Airport, in Pima County, in Decision No. 54385 (February 28, 1984). E & T provides water utility service to approximately 257 customers. E & T's current rates were authorized in Decision No. 59554 (March 13, 1996). During the test year ended June 30, 1997 ("TY"), E & T had an average of 248 customers served by 5/8 x 3/4 inch meters, 7 served by 1 inch meters, and two served by 1 1/2 inch meters.

E & T was purchased by Thim Utility Company in September, 1997. According to Staff, the water system has limited production capacity, and an undersized and decaying transmission and distribution network. In addition, the well water has a high concentration of nitrates, which has caused

1 Applicant to purchase water from the City of Tucson ("Tucson").

2 **Financing Application**

3 E & T requested authorization for the issuance of debt totaling \$265,591 from Mr. Robin Thim,  
4 Applicant's owner. Applicant requested \$59,168 for a water filtration and disposal system. Staff  
5 indicated that engineering plans were not submitted and an accurate cost estimate for the system cannot  
6 be made. Staff recommended denial of that request at this time, and resubmittal with additional  
7 information at a later date. Applicant requested \$131,784 for replacement of undersized and deteriorating  
8 transmission and distribution mains, and \$48,090 to refurbish an existing 25,000 gallon storage tank and  
9 installation of a new 25,000 gallon tank. Staff recommended approval of both of these requests, but  
10 indicated that the tank project should cost \$43,590.

11 Applicant requested \$26,550 for the 1975 truck it acquired and a new contractor's type truck it  
12 proposed to purchase. Staff Engineering did not object to the cost of the trucks, but indicated that since  
13 the parent company operates other water companies which would also use the trucks, only a portion of  
14 the trucks should be financed by E & T. The Staff Report ultimately indicated that the trucks would be  
15 used by E & T and two other companies, and recommended that the owner purchase the trucks and  
16 allocate the cost to each company in a future rate application, but that no financing for the trucks be  
17 approved in this matter.

18 We adopt Staff's recommendations regarding the water filtration system, replacement of mains  
19 and the tank project, at Staff's estimated cost. In Staff's analysis of Applicant's rate increase request,  
20 Staff developed an allocation factor regarding the three utility entities run by Mr. Thim, based upon gross  
21 plant, repairs and maintenance, and customer counts, which resulted in an overall factor for E & T of 30  
22 percent. We will apply the same allocation factor to the vehicles, and approve financing of 30 percent  
23 of the cost of the trucks, or \$7,965.

24 **Rate Application**

25 Applicant proposed an original cost rate base ("OCRB") of \$339,162. Staff recommended  
26 adjustments which resulted in a net reduction of \$92,337, to \$246,825. Applicant and Staff proposed  
27 including in OCRB the pro forma value of the plant to be financed. The majority of Staff's OCRB  
28 reduction, \$85,717, was a result of Staff's disallowance of part of the financing request and removal of

1 the pro forma water filtration system and vehicles from the plant portion of OCRB.

2 We will add \$7,965 in pro forma transportation, and remove \$4,500 in excess pro forma for the  
3 tank project, which results in an OCRB of \$250,203, after recalculation for depreciation.

4 Staff decreased depreciation by \$8,365, from Applicant's proposed \$21,404 to \$13,039, as Staff's  
5 recommendations result in depreciation accruing on less overall plant than requested by Applicant. Staff  
6 also decreased interest expense by \$11,184, from \$29,563 to \$18,379, as the pro forma interest expense  
7 on Staff's recommended financing is less than requested by Applicant.

8 Staff adjusted salaries and wages \$2,081, from Applicant's proposed \$38,967 to \$36,886.  
9 Individuals provided work for three utilities, so Staff applied a three point allocation factor to salary to  
10 determine the amount allocated to E & T. The factor used percentages associated with gross plant,  
11 repairs and maintenance, and customer counts, and resulted in an overall factor for E & T of 30 percent.

12 Staff removed non-utility insurance costs and allocated 30 percent of the remaining balance to  
13 Applicant, which decreased general insurance by \$2,867, from Applicant's proposed \$5,867 to \$3,000;  
14 and decreased health and life insurance by \$1,895, from Applicant's proposed \$3,192 to \$1,297.

15 Staff increased purchased water by \$7,153, from Applicant's proposed \$1,512 to \$8,665.  
16 Applicant has started using Tucson water to supplement its own production as needed and to blend with  
17 its water when its nitrate level is high. Tucson water is more costly than Applicant's water. There was  
18 no purchase of Tucson water during the TY. Applicant's financial statements show \$4,086 for purchases  
19 of Tucson water from TY end up to the date of the Staff Report. Applicant proposed a purchased water  
20 and purchased power mechanism for payment of Tucson water expenses. Staff described the high usage  
21 of Tucson water as "emerging" and that it will "diminish in the near future". Staff stated that E & T's  
22 usage of Tucson water is not known and measurable into the future, but recommended inclusion of  
23 \$8,665 in purchased water costs, to be placed in a separate account for payment of purchased water  
24 expenses only. Staff indicated that use of Tucson water should not increase power usage, as there is no  
25 pump or pressure vessel between the Tucson tap and the storage tank. Staff indicated that use of Tucson  
26 water may decrease power costs, as ground water is not being pumped.

27 As we have approved 30 percent of transportation financing, adjustments should be made to plant,  
28 depreciation and interest accounts for thirty percent of the expense of the trucks. We will allow \$8,665

1 in purchased water expenses, according to the terms proposed by Staff.

2 Staff proposed a rate of return of 10.18 percent on an OCRB of \$246,825. We will authorize rates  
3 which enable Applicant to receive an approximate ten percent rate of return on an OCRB of \$250,203.

4 Staff included proposed plant in rate base so that Applicant can meet the financing obligation for  
5 the proposed plant additions. If Applicant does not acquire the plant for which financing is authorized  
6 herein within one year from the effective date of the rate increase, the rates should be reduced to reflect  
7 a reasonable rate of return on the lower OCRB. We therefore will denote \$19,000 of annual revenues  
8 as interim, to be refunded if plant additions as proposed in Applicant's financing request are not made  
9 within one year from the effective date of the rate increase.

10 \* \* \* \* \*

11 Having considered the entire record herein and being fully advised in the premises, the  
12 Commission finds, concludes, and orders that:

### 13 **FINDINGS OF FACT**

14 1. Applicant is an Arizona corporation engaged in providing water utility service in Pima  
15 County, two miles south of the Tucson Municipal Airport.

16 2. On January 29, 1998, Applicant filed a request for a rate increase, financing and adjustor  
17 mechanisms.

18 3. Applicant submitted an amended application on March 13, 1998.

19 4. Applicant requested approval of financing in the amount of \$265,591.

20 5. The application was determined to be sufficient on April 13, 1998.

21 6. Notice of the application was provided in accordance with the law.

22 7. On June 26, 1998, Staff filed a Staff Report regarding the above matters.

23 8. No plant deficiencies were found by the Pima County Department of Environmental  
24 Quality ("PCDEQ"). However, the system is not in compliance with the PCDEQ monitoring and report  
25 requirements regarding synthetic organic chemicals. PCDEQ cannot determine if the system has any  
26 maximum contaminant level violations or is delivering water that meets Safe Drinking Water Act  
27 ("SDWA") quality standards.

28 9. Applicant requested approval of \$265,591 in financing through a loan from its owner, Mr.

1 Thim. The loan would be at an interest rate of two percent above prime for a period of ten years.

2 10. The purpose for the financing is for the following plant additions: water treatment plant,  
3 \$59,168; replacement of undersized and decaying transmission and distribution mains, \$131,784;  
4 installation of a new 25,000 gallon storage tank and refurbishing the existing 25,000 gallon tank,  
5 \$48,090; and the recent purchase of a 1975 truck and proposed purchase of a 1998 truck, \$26,550.

6 11. Staff has reviewed the projects to be funded by the proceeds of the financing, as well as  
7 the construction costs, and found the proposed improvements to the transmission and distribution mains  
8 are needed and appropriate, and the estimated cost is reasonable. Applicant estimated that this project  
9 will be completed within four months after Commission approval of the requested financing.

10 12. Staff indicated that Applicant did not submit engineering plans for the water treatment  
11 plant, so Staff cannot determine the reasonableness of that project, and recommended that financing for  
12 it not be approved at this time.

13 13. Staff engineering estimated that the tank project will cost \$43,590, rather than Applicant's  
14 proposed \$48,090.

15 14. Staff engineering indicated that the cost of the trucks is reasonable, but suggested that E  
16 & T customers pay for only a portion of these trucks, as their use will be shared with other utilities owned  
17 by Mr. Thim. Staff recommended that Mr. Thim purchase the trucks and allocate costs to each company.

18 15. It is appropriate to approve financing for the transmission and distribution mains, for Staff  
19 engineering's estimated cost of the new tank and refurbishing the existing tank; and for 30 percent of the  
20 trucks, using Staff's allocation factor derived for the rate case, for a total of \$183,339.

21 16. Staff recommended approval of the proposed loan from Mr. Thim at two percent over  
22 prime for a period of ten years.

23 17. The effect of the debt recommended by Staff of \$179,874 on Staff's recommended  
24 revenue is an interest coverage of 1.75.

25 18. The rates and charges for Applicant at present, as proposed in its rate application, and as  
26 recommended by Staff are as follows:

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	Present Rates	Proposed Rates Company	Staff
<b><u>MONTHLY USAGE CHARGE:</u></b>			
5/8" x 3/4" Meter	\$8.50	\$20.23	\$15.00
3/4" Meter	8.50	20.23	22.50
1" Meter	17.00	40.46	37.50
1 1/2" Meter	39.00	92.82	75.00
2" Meter	75.00	178.50	120.00
3" Meter	100.00	238.00	240.00
4" Meter	200.00	476.00	375.00
6" Meter	300.00	714.00	750.00
Gallons Included in Minimum	1,000	1,000	0
Excess of Minimum per 1,000 gallons			
From 1-1,000 gallons	included	included	\$2.10
From 1,001-12,000 gallons	\$ 1.10	\$2.62	2.10
From 12,001-20,000 gallons	1.30	3.09	2.10
From 20,001-30,000 gallons	1.30	3.09	3.61
From 30,001-over	1.50	3.57	3.61
Standpipe	N/A	N/A	N/A
<b><u>SERVICE LINE AND METER INSTALLATION CHARGES:</u></b>			
(Refundable pursuant to A.A.C. R14-2-405)			
5/8" x 3/4" Meter	\$250.00	\$370.00	\$370.00
3/4" Meter	300.00	415.00	415.00
1" Meter	325.00	480.00	480.00
1 1/2" Meter	520.00	700.00	700.00
2" Compound Meter	725.00	1,760.00	1,720.00
2" Turbo Meter	--	--	1,155.00
3" Compound Meter	800.00	2,300.00	2,260.00
3" Turbo Meter	--	--	1,625.00
4" Compound Meter	1,000.00	3,325.00	3,245.00
4" Turbo Meter	--	--	2,540.00
6" Compound Meter	1,500.00	6,430.00	6,350.00
6" Turbo Meter	--	--	4,875.00

**SERVICE CHARGES:**

Establishment	\$25.00	\$25.00	\$25.00
Establishment (After Hours)	37.50	37.50	37.50
Reconnection (Delinquent)	25.00	25.00	25.00
Meter Test (If Correct)	40.00	40.00	40.00
Deposit (R14.2.403.B.7)	*	*	*
Deposit Interest (R14.2.403.B.3)	**	6.00%	**
Reestablishment (within 12 months)	***	***	***
NSF Check	15.00	15.00	15.00
Deferred Payment	1.50%	1.50%	1.50%
Meter Reread (If Correct)	15.00	15.00	15.00
Late Payment Charge	****	****	****

**SPRINKLER CHARGE:**

\* Per Commission Rule R14.2.403.B.7.  
 \*\* Per Commission Rule R14.2.403.B.3.  
 \*\*\* Months off system times the monthly minimum per  
 Commission Rule R14.2.403.D.  
 \*\*\*\* 1.5 percent per month.  
 \*\*\*\*\* 1.5 percent per month with a \$3.50 minimum.  
 Fire sprinkler charge is 1 percent of Monthly Minimum for a  
 Comparable Sized Meter Connection, but not less than \$5.00 per  
 month. The Service Charge for Fire Sprinklers is applicable for  
 service lines separate and distinct from the primary water  
 service line.

19. Applicant's Fair Value Rate Base ("FVRB") is determined to be \$250,203, which is the same as its OCRB.

20. The present rates and charges of Applicant produced revenues of \$67,700 and adjusted operating expenses of \$101,197, resulting in an operating income of (\$33,497), for no rate of return on FVRB.

21. The average and median monthly usage during the TY for customers serviced by 5/8" x 3/4" meters was 11,538 gallons and 8,544 gallons, respectively.

22. The rates and charges Applicant proposed would produce operating revenues of \$163,494 and adjusted operating expenses of \$108,270, resulting in an operating income of \$55,224, for a 22.37 percent rate of return on FVRB.

23. The rates and charges Staff proposed would produce operating revenues of \$133,395 and operating expenses of \$108,270, resulting in a net operating income of \$25,125, for a 10.18 percent rate of return on FVRB.

24. Applicant's proposed rate schedule would increase the average monthly customer bill by



1 138.1 percent, from \$20.09 to \$47.84, and the median monthly customer bill by 138.1 percent, from  
2 \$16.80 to \$40.00.

3 25. Staff's proposed rate schedule would increase the average monthly customer bill by 95.3  
4 percent, from \$20.09 to \$39.23, and the median monthly customer bill by 96.1 percent, from \$16.80 to  
5 \$32.94.

6 26. In addition to the above rates and charges, Staff recommended that:

7 (a) rates and charges should be effective for all service provided on and after the first  
8 day of the month following Applicant filing with the Director of the Utilities Division  
9 evidence that the water system has no maximum contaminant level violations and is  
10 serving water which meets the SDWA quality standards;

11 (b) a provision be included in Applicant's tariff to allow for the flow-through of  
12 appropriate state and local taxes, as provided for in R14.2.409.D.

13 27. Applicant has started using Tucson water to supplement its production facilities.

14 28. The TY does not include any purchases of Tucson water, but Applicant's financial  
15 statements show \$4,086 for water purchased from TY end until the date the application was filed. Staff  
16 engineering indicated that purchases were made in September and October 1997.

17 29. Staff stated that the amount of purchased water Applicant will need is not known and  
18 measurable into the future.

19 30. Staff indicated that Applicant's need for purchased water is short-term. Applicant is now  
20 able to blend Tucson water with its own to lower nitrate levels, rather than to provide water purchased  
21 from the City directly to its customers.

22 31. Staff engineering stated that Applicant has an unaccounted-for water level of 12.3 percent.  
23 Applicant indicated that the majority of the lost water is due to the distribution mains corroded by aging  
24 and poor installation, and anticipated that the problem should be corrected with the pipe replacement  
25 program for which financing is being approved herein.

26 32. Staff engineering recommended that before filing its next rate application, Applicant  
27 should reduce its unaccounted-for water level to no more than ten percent or submit justification as to  
28 why doing so would not be cost-effective.

33. Staff recommended that Applicant's request for purchased power and purchased water  
adjustors be denied, but that \$8,665 be allowed as the annual cost of purchased water. Staff



recommended that Applicant place those funds in a separate account for payment of purchased water expenses only.

34. The proposed financing application consolidated with the rate case should be approved as modified herein without a hearing, but \$19,000 per year of the revenue increase should be made interim, subject to refund if work is not completed and approved by Commission Staff Engineering within twelve months of the effective date of this Decision.

35. The rates and charges will produce operating revenues of approximately \$133,395 and adjusted operating expenses of \$108,356, resulting in an operating income of approximately \$25,039, for an approximate 10.01 percent rate of return on FVRB.

36. In order to track actual Tucson water expenditures, E & T should submit information for a rate review within 24 months from the date of this Decision.

#### CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-251, 40-251, 40-301 and 40-302.

2. The Commission has jurisdiction over Applicant and the subject matter of the applications.

3. Notice of the applications was given in accordance with the law.

4. The rates and charges for water service proposed by Applicant are not just and reasonable.

5. The rates and charges authorized below are just and reasonable.

6. Staff's recommendations in Findings of Fact Nos. 26, 32 and 33 should be adopted, as modified below.

7. The financing approved herein is for lawful purposes within Applicant's corporate powers, is compatible with the public interest, with sound financial practices, and with the proper performance by Applicant of service as a public service corporation, and will not impair Applicant's ability to perform that service.

8. The financing approved herein is for the purposes stated above, and is reasonably necessary for those purposes, and such purposes are not, wholly, or in part, reasonably chargeable to operating expenses or to income.

**ORDER**

IT IS THEREFORE ORDERED that Thim Utility Company - E & T Division is hereby authorized to issue promissory notes in an amount not to exceed \$183,339, for a debt to Mr. Robin Thim. The interest rate shall not exceed two percent over the prevailing Prime Rate at the time of the issuance and should be for a minimum of ten years.

IT IS FURTHER ORDERED that Thim Utility Company - E & T Division is hereby authorized to engage in any transactions and to execute any documents necessary to effectuate the authorization granted above.

IT IS FURTHER ORDERED that authority for the long-term debt shall be expressly contingent upon Thim Utility Company - E & T Division's use of the proceeds for the purposes set forth in the amended financing application.

IT IS FURTHER ORDERED that approval of the financing set forth above does not constitute or imply approval or disapproval by the Commission of any particular expenditure of the proceeds derived thereby for the purposes of establishing just and reasonable rates.

IT IS FURTHER ORDERED that Thim Utility Company - E & T Division shall be, and is hereby, authorized and directed to file on or before September 30, 1998, the following revised rate schedules setting forth the following rates and charges:

**MONTHLY USAGE CHARGE:**

5/8" x 3/4" Meter	\$15.00
3/4" Meter	22.50
1" Meter	37.50
1 1/2" Meter	75.00
2" Meter	120.00
3" Meter	240.00
4" Meter	375.00
6" Meter	750.00

Commodity Charge, Per 1,000 Gallons:	
From 1-20,000 Gallons	\$2.10
From 20,001-over	3.61

**SERVICE LINE AND METER INSTALLATION CHARGES:**  
(Refundable pursuant to A.A.C. R14-2-405)

5/8" x 3/4" Meter	\$370.00
3/4" Meter	415.00
1" Meter	480.00
1 1/2" Meter	700.00
2" Compound Meter	1,720.00
2" Turbo Meter	1,155.00
3" Compound Meter	2,260.00
3" Turbo Meter	1,625.00
4" Compound Meter	3,245.00
4" Turbo Meter	2,540.00
6" Compound Meter	6,350.00
6" Turbo Meter	4,875.00

**SERVICE CHARGES:**

Establishment	\$25.00
Establishment (After Hours)	37.50
Reconnection (Delinquent)	25.00
Meter Test (If Correct)	40.00
Deposit (R14.2.403.B.7)	*
Deposit Interest (R14.2.403.B.3)	**
Reestablishment (Within 12 Months)	***
NSF Check	15.00
Deferred Payment (Per Month)	1.50%
Meter Reread (If Correct)	15.00
Late Payment Charge	****

**SPRINKLER CHARGE:**

*	Per Commission Rule R14.2.403.B.7.
**	Per Commission Rule R14.2.403.B.3.
***	Months off system times the monthly minimum per Commission Rule R14.2.403.D.
****	1.5 percent per month with a \$3.50 minimum.
*****	1 percent of Monthly Minimum for a Comparable Sized Meter Connection, but not less than \$5.00 per month. The Service Charge for Fire Sprinklers is applicable for service lines separate and distinct from the primary water service line.

IT IS FURTHER ORDERED that the above rates and charges will be effective for all services provided on and after the first day of the month following Thim Utility Company - E & T Division filing with the Director of the Utilities Division evidence that the water system has no maximum contaminant level violations and is serving water which meets the Safe Drinking Water Act quality standards.

IT IS FURTHER ORDERED that \$19,000 of annual revenues of Thim Utility Company - E & T Division shall be considered interim, to be refunded to customers if the plant additions for which the financing approved above are not completed, as confirmed by Staff Engineering, within twelve months

1 from the effective date of the rate increase approved herein. If a refund is necessary, within thirty days  
2 from the expiration of the twelve month period. Applicant shall submit for Staff approval a method for  
3 effectuating the refund and a revised rate design to reflect the reduced revenue requirement.

4 IT IS FURTHER ORDERED that Thim Utility Company - E & T Division shall file copies of  
5 all executed financing documents setting forth the terms of the financing with the Director of the Utilities  
6 Division within thirty days of obtaining such financing.

7 IT IS FURTHER ORDERED that Thim Utility Company - E & T Division shall notify its  
8 customers of the rates and charges authorized above and the effective date of same by means of a notice  
9 mailed to its customers with its next billing statement.

10 IT IS FURTHER ORDERED that Thim Utility Company - E & T Division shall include a  
11 provision in its tariff to allow for the flow-through of appropriate state and local taxes, as provided for  
12 in A.A.C. R14.2.409.D.

13 IT IS FURTHER ORDERED that before filing its next rate application/rate review. Applicant  
14 should reduce its unaccounted-for water level to no more than ten percent or submit justification as to  
15 why doing so would not be cost-effective.

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1 IT IS FURTHER ORDERED that Thim Utility Company - E & T Division shall submit to Staff  
2 information necessary for the performance of a rate review within 24 months from the date of this  
3 Decision.

4 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

6  
7 *James M. Swin*  
8 COMMISSIONER - CHAIRMAN

9  
10 *[Signature]*  
11 COMMISSIONER

12 *[Signature]*  
13 COMMISSIONER

14 IN WITNESS WHEREOF, I, JACK ROSE, Executive Secretary of the Arizona  
15 Corporation Commission, have hereunto set my hand and caused the official seal  
16 of the Commission to be affixed at the Capitol, in the City of Phoenix, this 21  
17 day of Sept, 1998.

18  
19 *for [Signature]*  
20 JACK ROSE  
21 EXECUTIVE SECRETARY

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1 SERVICE LIST FOR:

THIM UTILITY COMPANY - E & T DIVISION

2 DOCKET NO.:

W-03293A-98-0189 & W-03293A-98-0260

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